

E-Filed 12/29/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDRE V. JACKSON,
Plaintiff,

No. C 10-5489 RS (PR)

ORDER OF DISMISSAL

v.

H. GRIFFIN,
Defendant.

This is a civil rights action filed by a *pro se* state prisoner pursuant to 42 U.S.C. § 1983. Plaintiff was ordered to file (1) a complete application to proceed *in forma pauperis* (“IFP”) or (2) pay the filing fee, or, failing to take either action, face dismissal of the action within 30 days of the date the order was filed. Plaintiff has not paid the filing fee of \$350.00, and he has filed an incomplete IFP application, in that it lacks a prison trust account statement showing transactions for the last six months, and a certificate of funds signed by an authorized prison officer. Plaintiff has submitted an unsigned certificate. Accordingly, plaintiff not having met the requirements for the proper filing of an IFP application, the action is DISMISSED without prejudice to plaintiff filing a certificate of funds signed by an authorized prison officer, and a prison trust account statement showing transactions for the


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1 most recent six months. Plaintiff's motion to proceed IFP (Docket No. 3) is DENIED
2 without prejudice.

3 The Court declines to issue a certificate of appealability. Petitioner has not shown
4 "that jurists of reason would find it debatable whether the petition states a valid claim of the
5 denial of a constitutional right and that jurists of reason would find it debatable whether the
6 district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484
7 (2000). The Clerk shall enter judgment in favor of defendant, terminate Docket No. 3, and
8 close the file.

9 **IT IS SO ORDERED.**

10 DATED: December 29, 2010


11 RICHARD SEEBORG
12 United States District Judge
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United States District Court
For the Northern District of California